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11 **UNITED STATES DISTRICT COURT**
12
13 **NORTHERN DISTRICT OF CALIFORNIA**
14
15 **SAN JOSE DIVISION**

14 PATRICIA WEEKS, ALICIA HELMS,
15 BRIAN MCCLOY, and ADRIAN
16 ALCARAZ, individually and on behalf
of all others similarly situated,

17 Plaintiffs,

18 v.

19 GOOGLE LLC,

20 Defendant.

Case No. 5:18-cv-00801-NC

**[PROPOSED] ORDER GRANTING
GOOGLE LLC'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
MATERIALS SUBMITTED IN
CONNECTION WITH GOOGLE'S
OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

[PROPOSED] ORDER

Having considered Defendant Google LLC's Administrative Motion to Seal Materials Submitting in Connection with Google's Opposition to Plaintiffs' Motion for Class Certification and the Declaration of Mara Boundy in support thereof, **IT IS HEREBY ORDERED THAT** Defendant's Administrative Motion to Seal is **GRANTED** as follows:

Google's Opp. To Class Cert. Motion	Justification for Sealing	Court's Ruling
Redacted portions of pages 1, 4-5	These portions of Google's Opp. to Plaintiffs' Class Certification Motion disclose strategic decisions related to Google's internal testing processes, procedures, the confidential analysis undertaken by Google to ascertain the cause of microphone issues experienced by certain customers, as well as the results of internal testing (by Google and HTC) and analysis of the Pixels, which includes disclosure of Google's return data and failure rate projections for the Pixels. This information is proprietary and confidential to Google. These portions of the Google's Opp. to Plaintiffs' Class Certification Motion also disclose confidential technical details relating to Google's proposed and actual corrective action(s) taken with respect to the Pixels. Public disclosure of this confidential information would harm Google's competitive standing because its competitors would benefit from unwarranted insight into Google's product strategy, evaluation, testing methodologies, testing results, and internal problem-solving procedures, which would enable them to unfairly compete with Google.	Seal proposed redactions
Redacted portions of pages 6, 8, 11, 15, 24-25	These portions of Google's Opp. to Plaintiffs' Class Certification Motion disclose strategic decisions related to Google's internal testing processes and procedures, the confidential analysis undertaken by Google to ascertain the cause of microphone issues experienced by certain customers, as well as the results of Google's internal testing and analysis of the Pixels. These portions of the Google's Opp. to Plaintiffs' Class Certification Motion also disclose confidential technical details relating to Google's proposed and actual corrective action(s) taken with respect to the Pixels. The results of Google's confidential analysis and the related technical details reveal Google's research efforts and technical know-	Seal proposed redactions

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Google's Opp. To Class Cert. Motion	Justification for Sealing	Court's Ruling
	how relating to the Pixels, which is proprietary business information.	

Exhibits to Declaration of Bobbie Wilson ISO Google's Opp. to Plaintiffs' Motion ("Wilson Decl.")	Justification for Sealing	Court's Ruling
Redacted portions of Ex. 5 (excerpts of the transcript of the deposition of Steven James, Google's 30(b)(6) witness, taken on August 30, 2018 ("James Dep.")): 82:9-11, 14-25	James Dep. at 82:9-11 and 14-25 reveals confidential details relating to the confidential analysis undertaken by Google to ascertain the cause of microphone issues experienced certain customers. The results of Google's confidential analysis disclose Google's research efforts and technical know-how relating to the Pixels, which is proprietary business information. Public disclosure of this confidential information would harm Google's competitive standing because its competitors would benefit from unwarranted insight into Google's product strategy, evaluation, testing methodologies, testing results, and internal problem-solving procedures, which would enable them to unfairly compete with Google.	Seal proposed redactions
Redacted portions of Ex. 5 (excerpts of the James Dep. transcript): 112:1-11, 15-25; 113; 141; 150:1-3, 6-25; 156:2-18; 157:7-25	James Dep. at 112:1-11, 15-25, 113, 141, 150:1-3, 6-25, 156:2-18, and 157:7-25 contains confidential information relating to the confidential analysis undertaken by Google to ascertain the cause of microphone issues experienced by certain customers. The results of Google's confidential analysis disclose Google's research efforts and technical know-how relating to the Pixels, which is proprietary business information. Public disclosure of these details could harm Google's competitive standing because its competitors could benefit from unwarranted insight into Google's product strategy, testing results, and internal problem-solving procedures, which would enable them to unfairly compete with Google.	Seal proposed redactions

Exhibits to Declaration of Bobbie Wilson ISO Google's Opp. to Plaintiffs' Motion ("Wilson Decl.")	Justification for Sealing	Court's Ruling
Ex. 6 (GOOG-WEEKS-00002967-2969)	GOOG-WEEKS-00002967-2969 contain confidential information relating to the confidential analysis undertaken by Google to ascertain the cause of microphone issues experienced by certain customers. The results of Google's confidential analysis disclose Google's research efforts and technical know-how relating to the Pixels, which is proprietary business information. Public disclosure of these details could harm Google's competitive standing because its competitors could benefit from unwarranted insight into Google's product strategy, testing results, and internal problem-solving procedures, which would enable them to unfairly compete with Google.	Seal proposed redactions
Ex. 7 (GOOG-WEEKS-00200111)	GOOG-WEEKS-00200111 reveals confidential strategic decisions related to marketing and pricing of the Pixels. Public disclosure of this sensitive business information would harm Google's competitive standing because it would give competitors unwarranted insight into Google's marketing and pricing strategies, allowing them to unfairly benefit from Google's know-how and the resources it expended to launch and promote the Pixel.	Seal proposed redactions
Ex. 10 (GOOG-WEEKS-00191668 – 00191672)	GOOG-WEEKS-00191668 – 00191672 reveal confidential strategic decisions related to marketing of the Pixels. Public disclosure of this sensitive business information would harm Google's competitive standing because it would give competitors unwarranted insight into Google's marketing strategies, allowing them to unfairly benefit from Google's know-how and the resources it expended to launch and promote the Pixel.	Seal proposed redactions
Ex. 11 (GOOG-WEEKS-	GOOG-WEEKS-00191668 – 00191672 reveal confidential strategic decisions related to marketing	Seal proposed redactions

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Exhibits to Declaration of Bobbie Wilson ISO Google's Opp. to Plaintiffs' Motion ("Wilson Decl.")	Justification for Sealing	Court's Ruling
00191664 – 00191667)	of the Pixels. Public disclosure of this sensitive business information would harm Google's competitive standing because it would give competitors unwarranted insight into Google's marketing strategies, allowing them to unfairly benefit from Google's know-how and the resources it expended to launch and promote the Pixel.	
Ex. 12 (GOOG-WEEKS-00191659 – 00191663)	GOOG-WEEKS-00191659 – 00191663 reveal confidential strategic decisions related to marketing of the Pixels. Public disclosure of this sensitive business information would harm Google's competitive standing because it would give competitors unwarranted insight into Google's marketing strategies, allowing them to unfairly benefit from Google's know-how and the resources it expended to launch and promote the Pixel.	Seal proposed redactions
Ex. 18 (GOOG-WEEKS-00000031 – 33)	GOOG-WEEKS-00000031 – 33 contains personal contact information of Plaintiffs. Google files it provisionally under seal pursuant to Local Rule 79-5.	Seal proposed redactions
Ex. 19 (PL00118-121)	PL00118-121 contains personal information of Plaintiff Adrian Alcaraz. Google files it provisionally under seal pursuant to Local Rule 79-5.	Seal proposed redactions
Ex. 20 (PL00021-24)	PL00021-24 contains personal information of Plaintiff Brian McCloy. Google files it provisionally under seal pursuant to Local Rule 79-5.	Seal proposed redactions
Ex. 22 (GOOG-WEEKS-00215087 – 00215166)	GOOG-WEEKS-00215087 – 00215166 is a confidential and proprietary purchase and sale agreement between Google and nonparty Verizon Wireless, which discloses details related to competitive strategies, strategic planning, pricing, and product requirements governing Google's supply and Verizon's sale of the Pixel.	Seal proposed redactions

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Exhibits to Declaration of Bobbie Wilson ISO Google's Opp. to Plaintiffs' Motion ("Wilson Decl.")	Justification for Sealing	Court's Ruling
	Public disclosure of this confidential and proprietary information would harm Google's competitive standing because its competitors would benefit from unwarranted insight into Google's product strategy, pricing, and negotiated contract provisions which would enable them to unfairly compete with Google.	
Redacted portions of Ex. 24 (Martin Report) ¶¶ 4, 6, 10(b), 26, 27, 34 (& n.57), 46(a), 46(b), 55, 57(c)	<p>These portions of Ex. 24 reveal confidential information related to Google's strategic pricing decisions related to the sale of the Pixels. Public disclosure of this confidential information would harm Google's competitive standing because its competitors would benefit from unwarranted insight into Google's product pricing strategy, which would enable them to unfairly compete with Google.</p> <p>Furthermore, these portions of Ex. 24 contain information derived from documents Google has designated as "Confidential" or "Highly-Confidential - Attorneys' Eyes Only" pursuant to the parties' Stipulated Protective Order, because of the competitively-sensitive content of those documents.</p>	Seal proposed redactions
Redacted portions of Ex. 24 (Martin Report) ¶¶ 4, 6, 10(b), 34 (& n.57), 46(a), 55, 57(c)	These portions of Ex. 24 reveal and rely upon confidential information produced by non-party Verizon Wireless. Although Google moves to seal each of these paragraphs itself due to the harm public disclosure would cause it (as set forth above), Google also moves to file these paragraphs provisionally under seal, pursuant to Civil L.R. 79-5, as revealing confidential information of a nonparty.	Seal proposed redactions
Redacted portions of Ex. 26 (Madisetti)	These portions of Ex. 26 reveal confidential details about the composition and design of the Pixels. Public disclosure of this confidential information	Seal proposed redactions

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Exhibits to Declaration of Bobbie Wilson ISO Google's Opp. to Plaintiffs' Motion ("Wilson Decl.")	Justification for Sealing	Court's Ruling
Report) at page i, ¶¶ 34, 40-43, 45	would harm Google's competitive standing because its competitors would gain unwarranted insight into the technical product specifications of the Pixel, which would enable competitors to unfairly benefit from the resources and research Google expended to launch the Pixels.	
Redacted portions of Ex. 26 (Madisetti Report) at ¶ 56	This portion of Ex. 26 reveals confidential details relating to the Purchase and Sale Agreement between Google and Verizon Wireless, the details of which, if revealed, would harm Google's competitive standing because its competitors would receive unwarranted insight into the confidential agreement between Google and its authorized reseller, which would enable competitors to unfairly benefit from the negotiated terms of a business contract entered into to sell the Pixels.	Seal proposed redactions
Redacted portions of Ex. 26 (Madisetti Report) at ¶¶ 58, 59 (& n.20), 60 (& n.21), 61 (& n.22), 62, 63 (& n.24), 64 (& n.25), 65, 66 (& n.26), 85 (& n.50)	These portions of Ex. 26 reveal confidential details about the composition and design of the Main Logic Board ("MLB") of the Pixels. Public disclosure of this confidential information would harm Google's competitive standing because its competitors would gain unwarranted insight into the technical product specifications of the Pixel, which would enable competitors to unfairly benefit from the resources and research Google expended to launch the Pixels.	Seal proposed redactions
Redacted portions of Ex. 26 (Madisetti Report) at ¶ 67 (image only), ¶ 68	These portions of Ex. 26 reveal confidential details relating to the pre-release testing performed on the Pixels, including identification of specific tests that were performed and the results of those tests. These portions rely on Exhibit A to the Declaration of Steven James in Support of Google's Opposition to Plaintiffs' Motion for Class Certification ("James Decl."). Public disclosure of Ex. A, James Decl. could harm Google's competitive standing because it would provide competitors unwarranted insight	Seal proposed redactions

Exhibits to Declaration of Bobbie Wilson ISO Google's Opp. to Plaintiffs' Motion ("Wilson Decl.")	Justification for Sealing	Court's Ruling
	<p>into the results of pre-release testing of the Pixel, product development and strategy, and other proprietary information regarding the production of the Pixel, which would allow competitors to unfairly benefit from Google's know-how, research, and resources expended to launch the Pixels.</p> <p>Google moves to seal Ex. A., James Decl. for the reasons described below.</p>	
Redacted portions of Ex. 26 (Madisetti Report) at ¶ 73	Paragraph 73 of the Madisetti report relies on redacted portions of the James Decl. and its Exhibit B, which disclose the results of Google's internal testing and analysis of the Pixels, Google's return data, and Google's failure rate projections for the Pixels. This information is proprietary and confidential to Google. Public disclosure of this confidential information would harm Google's competitive standing because its competitors would benefit from unwarranted insight into Google's product strategy, evaluation, testing methodologies, testing results, and internal problem-solving procedures, which would enable them to unfairly compete with Google.	Seal proposed redactions
Redacted portions of Ex. 26 (Madisetti Report) at heading "G", ¶¶ 75, 76 (& n.40), 77 (& n.41), 79-84, 86-88, 93-94, heading "I", 95-98.	<p>These portions of Ex. 26 reveal confidential details about the composition and design of the Pixels and also disclose strategic decisions related to Google's internal testing processes and procedures, the confidential analysis undertaken by Google to ascertain the cause of microphone issues experienced by certain customers, as well as the results of Google's internal testing and analysis of the Pixels.</p> <p>Public disclosure of this confidential information would harm Google's competitive standing because its competitors would gain unwarranted insight into</p>	Seal proposed redactions

Exhibits to Declaration of Bobbie Wilson ISO Google's Opp. to Plaintiffs' Motion ("Wilson Decl.")	Justification for Sealing	Court's Ruling
	the technical product specifications of the Pixel, which would enable competitors to unfairly benefit from the resources and research Google expended to launch the Pixels. Public disclosure of this confidential information would also harm Google's competitive standing because it would allow its competitors to benefit from unwarranted insight into Google's product strategy, evaluation, testing methodologies, testing results, and internal problem-solving procedures, which would enable them to unfairly compete with Google.	
Redacted portions of Ex. 26 (Madisetti Report) at ¶ 78.	<p>This portion of Ex. 26 discloses confidential technical details relating to Google's proposed and actual corrective action(s) taken with respect to the Pixels. The results of Google's confidential analysis and the related technical details reveal Google's research efforts and technical know-how relating to the Pixels, which is proprietary business information.</p> <p>Public disclosure of this confidential information would harm Google's competitive standing because its competitors would benefit from unwarranted insight into Google's product strategy, evaluation, and internal problem-solving procedures, which would enable them to unfairly compete with Google.</p>	Seal proposed redactions
Ex. 27 (GOOG-WEEKS-00191658)	GOOG-WEEKS-00191658 reveals confidential strategic decisions related to marketing and pricing of the Pixels. Public disclosure of this sensitive business information would harm Google's competitive standing because it would give competitors unwarranted insight into Google's marketing and pricing strategies, allowing them to unfairly benefit from Google's know-how and the resources it expended to launch and promote the Pixel.	Seal proposed redactions

Exhibits to Declaration of Bobbie Wilson ISO Google's Opp. to Plaintiffs' Motion ("Wilson Decl.")	Justification for Sealing	Court's Ruling
Ex. 28 (GOOG-WEEKS-00002551-2552)	GOOG-WEEKS-00002551-2552 contains confidential information relating to the confidential analysis undertaken by Google to ascertain the cause of microphone issues experienced by certain customers. The results of Google's confidential analysis disclose Google's research efforts and technical know-how relating to the Pixels, which is proprietary business information. Public disclosure of these details could harm Google's competitive standing because its competitors could benefit from unwarranted insight into Google's product strategy, testing results, and internal problem-solving procedures, which would enable them to unfairly compete with Google.	Seal proposed redactions

Declaration of Steven James ISO Google's Opp. to Plaintiffs' Motion ("James Decl.")	Justification for Sealing	Court's Ruling
Redacted portions of ¶¶ 5, 7-10, 17 (& n.1), 18	These portions of the James Decl. disclose strategic decisions related to Google's internal testing processes, procedures, the confidential analysis undertaken by Google to ascertain the cause of microphone issues experienced by certain customers, as well as the results of internal testing (by Google and HTC) and analysis of the Pixels, which includes disclosure of Google's return data and failure rate projections for the Pixels. This information is proprietary and confidential to Google. Public disclosure of this confidential information would harm Google's competitive standing because its competitors would benefit from unwarranted insight into Google's product strategy, evaluation, testing methodologies, testing results, and internal problem-solving procedures, which would enable them to unfairly compete with Google.	Seal proposed redactions

Declaration of Steven James ISO Google's Opp. to Plaintiffs' Motion ("James Decl.")	Justification for Sealing	Court's Ruling
Redacted portions of ¶¶ 12-14, 16	<p>These portions of the James Decl. disclose strategic decisions related to Google's internal testing processes and procedures, the confidential analysis undertaken by Google to ascertain the cause of microphone issues experienced by certain customers, as well as the results of Google's internal testing and analysis of the Pixels. These portions of the James Decl. also disclose confidential technical details relating to Google's proposed and actual corrective action(s) taken with respect to the Pixels. The results of Google's confidential analysis and the related technical details reveal Google's research efforts and technical know-how relating to the Pixels, which is proprietary business information.</p> <p>These redacted paragraphs also cite to or otherwise pull information from Ex. B to the James Decl., which Google has designated as "Confidential" or "Highly Confidential - Attorneys' Eyes Only" pursuant to the parties' Stipulated Protective Order, because of the competitively-sensitive nature of the information contained therein. Google seeks to seal Ex. B to the James Decl. in its entirety for the reasons set forth below.</p> <p>Public disclosure of this confidential information would harm Google's competitive standing because its competitors would benefit from unwarranted insight into Google's product strategy, evaluation, testing methodologies, testing results, and internal problem-solving procedures, which would enable them to unfairly compete with Google.</p>	Seal proposed redactions
Ex. A	Ex. A, James Decl. reveals highly confidential details relating to the pre-release testing performed on the Pixels, including but not limited to specific details relating to testing conditions, status of outstanding issues, failure analyses,	Seal proposed redactions

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Declaration of Steven James ISO Google's Opp. to Plaintiffs' Motion ("James Decl.")	Justification for Sealing	Court's Ruling
	<p>action items, and factory yields. Ex. A, James Decl. has been designated by Google as "Confidential" or "Highly Confidential - Attorneys' Eyes Only" pursuant to the parties' Stipulated Protective Order, because of the competitively-sensitive nature of the information contained therein.</p> <p>Public disclosure of Ex. A, James Decl. could harm Google's competitive standing because it would provide competitors unwarranted insight into Google's product strategy, and HTC's manufacturing processes and testing results, which would allow competitors to unfairly benefit from Google's and HTC's know-how, research, and resources expended to launch the Pixels.</p>	
Ex. B	<p>Ex. B, James Decl. discloses strategic decisions related to Google's internal testing processes and procedures, the confidential analysis undertaken by Google to ascertain the cause of microphone issues experienced by certain customers, as well as the results of Google's internal testing and analysis of the Pixels. Ex. B, James Decl. also discloses confidential technical details relating to Google's proposed and actual corrective action(s) taken with respect to the Pixels. The results of Google's confidential analysis and the related technical details reveal Google's research efforts and technical know-how relating to the Pixels, which is proprietary business information.</p> <p>Ex. B, James Decl. has been designated by Google as "Confidential" or "Highly Confidential - Attorneys' Eyes Only" pursuant to the parties' Stipulated Protective Order, because of the competitively-sensitive nature of the information contained therein.</p> <p>Public disclosure of this confidential information would harm Google's competitive standing because its competitors would benefit from unwarranted insight into Google's product</p>	Seal proposed redactions

Declaration of Steven James ISO Google's Opp. to Plaintiffs' Motion ("James Decl.")	Justification for Sealing	Court's Ruling
	strategy, evaluation, testing methodologies, testing results, and internal problem-solving procedures, which would enable them to unfairly compete with Google.	

Declaration of Steven Nickel ISO Google's Opp. to Plaintiffs' Motion ("Nickel Decl.")	Justification for Sealing	Court's Ruling
Redacted portions of ¶¶ 5-9	<p>These portions of the Nickel Decl. disclose strategic decisions related to Google's internal testing processes and procedures, the confidential analysis undertaken by Google to ascertain the cause of microphone issues experienced by certain customers, as well as the results of Google's internal testing and analysis of the Pixels. These portions of the Nickel Decl. also disclose confidential technical details relating to Google's proposed and actual corrective action(s) taken with respect to the Pixels. The results of Google's confidential analysis and the related technical details reveal Google's research efforts and technical know-how relating to the Pixels, which is proprietary business information.</p> <p>Public disclosure of this confidential information would harm Google's competitive standing because its competitors would benefit from unwarranted insight into Google's product strategy, evaluation, testing methodologies, testing results, and internal problem-solving procedures, which would enable them to unfairly compete with Google.</p>	Seal proposed redactions
Redacted portions of ¶¶ 10-13	These portions of the Nickel Decl. disclose confidential technical details relating to Google's proposed and actual corrective action(s) taken with respect to the Pixels. The results of Google's confidential analysis and the related technical details reveal Google's research efforts and technical know-how relating to the Pixels.	Seal proposed redactions

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Declaration of Steven Nickel ISO Google's Opp. to Plaintiffs' Motion ("Nickel Decl.")	Justification for Sealing	Court's Ruling
	<p>which is proprietary business information.</p> <p>Public disclosure of this confidential information would harm Google's competitive standing because its competitors would benefit from unwarranted insight into Google's product strategy, evaluation, testing methodologies, testing results, and internal problem-solving procedures, which would enable them to unfairly compete with Google.</p>	

Declaration of John Tuchtenhagen Decl. ISO Google's Opp. to Plaintiffs' Motion ("Tuchtenhagen Decl.")	Justification for Sealing	Court's Ruling
Redacted portions of ¶¶ 4-6	These portions of the Tuchtenhagen Decl. disclose confidential strategic decisions related to marketing of the Pixels. Public disclosure of this sensitive business information would harm Google's competitive standing because it would give competitors unwarranted insight into Google's marketing strategies, allowing them to unfairly benefit from Google's know-how and the resources it expended to launch and promote the Pixel.	Seal proposed redactions

Declaration of Lily Lin ISO Google's Opp. to Plaintiffs' Motion ("Lin Decl.")	Justification for Sealing	Court's Ruling
Redacted portions of ¶¶ 4-5	These portions of the Lin Decl. disclose confidential strategic decisions related to marketing of the Pixels.	Seal proposed redactions

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Declaration of Lily Lin ISO Google's Opp. to Plaintiffs' Motion ("Lin Decl.")	Justification for Sealing	Court's Ruling
5	Public disclosure of this sensitive business information would harm Google's competitive standing because it would give competitors unwarranted insight into Google's marketing strategies, allowing them to unfairly benefit from Google's know-how and the resources it expended to launch and promote the Pixel. Additionally, ¶ 5 reveals confidential personal information of Google employees.	

Declaration of Rossa Hsieh ISO Google's Opp. to Plaintiffs' Motion ("Hsieh Decl.")	Justification for Sealing	Court's Ruling
Redacted portions of ¶¶ 5-7	These portions of the Hsieh Decl. disclose confidential strategic decisions related to marketing of the Pixels. Public disclosure of this sensitive business information would harm Google's competitive standing because it would give competitors unwarranted insight into Google's marketing strategies, allowing them to unfairly benefit from Google's know-how and the resources it expended to launch and promote the Pixel.	Seal proposed redactions

IT IS SO ORDERED.

DATED: _____

HON. NATHANAEL COUSINS
UNITED STATES MAGISTRATE JUDGE

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